

ceed three and one-half million dollars for the next two years. I have an abiding faith in his judgment as to the amount necessary for this item and have used his figures with reference to this item.

The State Superintendent of Public Instruction, Mr. Marrs, will, as he has always done, take issue with us as to the correctness of these figures. I recall in 1923 Mr. Marrs contended that to pay the \$14.00 apportionment it would be necessary to appropriate six million dollars to supplement the Available School Fund for the biennium.

The Finance Committee of the Senate contended that it would take less than three million dollars to make possible this apportionment. The House and Senate finally passed a four million dollars appropriation for this purpose. The apportionment was paid and at the end of the biennium there was more than two million dollars left to the credit of this fund.

Last September Mr. Marrs contended that it was necessary to appropriate three and one-half million dollars for the current year in order to make an apportionment of \$14.00 might be made possible. Some of us took issue with him but the Legislature made the appropriation of three and one-half million dollars. One-third of this amount has never been transferred to the credit of the available school fund and will not be transferred, because of provision of the Bill which prohibits its being transferred.

The failure to transfer this money was brought about by reason of the passage of the gasoline tax, which increased the revenue for the Available School Fund in an amount approximately the same as that which will not be transferred. Notwithstanding this fact we have a balance on hand at the end of this fiscal year of \$1,500,000.00 and will have a sufficient fund to the credit of the Free Text Book Fund to take care of all purchases of text books until the beginning of the biennium.

NINTH DAY.

Senate Chamber,

Austin, Texas,

Monday, May 23, 1927.

The Senate met at 10:00 o'clock

a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Fairchild.	Witt.
Reid.	

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

The Chair announced the appointment of Pete Campbell of Carthage, Texas, as a Page.

Bills and Resolutions.

By Senator Stuart:

S. B. No. 17, A bill to be entitled "An Act amending Articles 6663 to 6674 both inclusive, of the Revised Civil Statutes of 1925 relating to highways and the Highway Department of the State of Texas, etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senators Berkeley and Real:

S. B. No. 18, A bill to be entitled "An Act to provide for the eradication of scabies among sheep and cattle, to provide adequate quarantine and sanitary measures, to provide for the inspection and dipping, and certification of said livestock, and to provide adequate penalties for violation

of quarantine and dipping orders of the Live Stock Sanitary Commission, and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Real:

S. B. No. 19, A bill to be entitled "An Act to amend Chapter 77 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session, convened on January 14, 1913, and adjourned on April 1, 1913, and approved March 24, 1913, the same being a Special Road Law for Bexar County, Texas, by adding thereto Section 31a authorizing the commissioners' court of Bexar County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator McFarlane:

S. B. No. 20, A bill to be entitled "An Act providing for a State Highway Commission to be composed of three elective members, one member to be elected from each of three State Highway Districts defined in this Act; providing for their election at the General Election in 1928 and for them to take office the first day of the next January; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senators Bledsoe and Moore:

S. B. No. 21, A bill to be entitled "An Act providing more adequately for the construction and maintenance of a system of highways in this State; making better provision for a State Highway Department and providing means and regulations under which said department may function as to all matters committed to its authority; enacting provisions so that said objects may be accomplished through the agency of the State Highway Department and the various commissioners' courts, vesting each such agency with its own proper function; granting the State Highway Commission ample authority in order to perform its duties, and giving commissioners' courts a voice in

road matters wherever counties furnish funds in connection with same; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Bledsoe:

S. B. No. 22, A bill to be entitled "An Act regulating the slaughter and sale of the meat of animals for market and providing that every person engaged in the occupation of a butcher or a slaughterer of cattle in this State, shall file a bond to be approved by the county judge of the county in which he desires to carry on such business, etc., and declaring an emergency."

Read first time and referred to Committee on Stock and Stock Raising.

By Senator Woodward:

S. B. No. 23, A bill to be entitled "An Act relating to the jurisdiction of the county court of Menard County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 24, A bill to be entitled "An Act relating to the jurisdiction of the county court of Sterling County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court; conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Woodward:

S. B. No. 25, A bill to be entitled "An Act relating to the jurisdiction of the county court of Irion County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction

of said court, conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act, and declaring an emergency."

Read first time and referred to Committee on Criminal Jurisprudence:

By Senator Woodward:

S. B. No. 26, A bill to be entitled "An Act to change and prescribe the time for holding district court of the Fifty-first Judicial District of the State; and to conform all writs and process from such court to such changes and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand juries and petit juries; and providing for the continuation of court in session in said district when this Act takes effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith."

Read first time and referred to Committee on Criminal Jurisprudence.

By Senator Price:

S. B. No. 27, A bill to be entitled "An Act to diminish the civil and criminal jurisprudence of the county court of Bowie County, Texas, and conform the jurisdiction of the district courts of such county to such change."

Read first time and referred to Committee on Judicial Districts.

By Senator McFarlane:

S. B. No. 28, A bill to be entitled "An Act providing for the creation and organization of a road district in Knox County, Texas, to be known and designated as Road District No. Two-A of Knox County, Texas; defining the boundaries of said district; providing such district may have and exercise all of the authority and privileges provided by the Constitution and laws of the State of Texas, concerning roads and road districts; providing the manner of operation, and of issuing notes, bonds, incurring debts, levying tax and assessment, to pay such bonds and debts and the interest and charges thereon, and operating ex-

penses, etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Wood:

S. B. No. 29, A bill to be entitled "An Act providing a means of eliminating or greatly decreasing the danger at railroad crossings; providing a means for the prevention, modification, alteration or elimination of railroad grade crossings, etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Wood:

S. B. No. 30, A bill to be entitled "An Act amending Article 6704 of the Revised Civil Statutes of the State of Texas as amended by Chapter 178 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to better define first-class roads which shall be classified by the commissioners' courts of the various counties; making provision for detour roads to be provided by commissioners' courts when counties are working on public roads, and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

Senate Bill No. 10.

The Chair (President pro tem Polard) laid before the Senate on the calendar the following bill:

By Senator Wood:

S. B. No. 10, A bill to be entitled "An Act providing a means of increasing the efficiency of publicly supported institutions of higher learning in this State; creating the State Board of Higher Education; and prescribing its duties and functions; authorizing said board to secure the facts and information and study the needs in reference to publicly supported institutions of higher learning in this State; granting authority to said Board in order to prevent and eliminate duplications in the work of State institutions of higher learning publicly supported in this State; authorizing said Board to estimate the needs of such institutions and present them to the Board of Control to be included in

the budget; making an appropriation to carry out the purposes of this Act; and declaring an emergency."

The bill was read second time.

The committee amendment was read.

Message From The House.

The Chair recognized the Door-keeper who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, May 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 3, Inviting Governor Moody to address a Joint Session of the Senate and House today at 11:00 a. m.

Hall of the House of Representatives,
Austin, Texas, May 23, 1927.

Hon. Barry Millery, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 2, Expressing appreciation to Hon. Wm. J. Disch and University authorities for their splendid efforts in behalf of the baseball game between the House and Senate.

Respectfully submitted,

M. LOUISE SNOW,

Chief Clerk, House of Representatives.

House Concurrent Resolution No. 3.

The Chair laid before the Senate the following resolution:

H. C. R. No. 3, Providing for a Joint Session of the Senate and the House to hear Governor Moody.

The resolution was adopted.

House Concurrent Resolution No. 2.

The Chair laid before the Senate the following resolution:

H. C. R. No. 3, Thanking Mr. Disch for his cooperation in connection with the baseball game between the Senate and the House.

The resolution was read and adopted.

Joint Session.

The Chair announced that the hour had arrived fixed for the Joint Session of the Senate and House and

instructed the Sergeant At-Arms to escort the Senate in body to the House of Representatives.

In The House.

The Senate met with the House in Joint Session. Speaker Bobbitt introduced President Pro-Tem Pollard, who introduced Hon. Dan Moody, Governor of Texas. Governor Moody then addressed the Joint Session.

(See address in Appendix.)

Back in the Senate.

The Senate was called to order back in the Senate.

Recess.

The Senate at 12:00 m., on the motion of Senator Bailey, recessed until this afternoon at 2:00 p. m.

After Recess.

The Senate was called to order by President Pro Tem. Pollard at 2:00 p. m., pursuant to recess.

Simple Resolution No. 17.

Senator Moore received unanimous consent to send up the following resolution:

By Senators Moore, Pollard:

Whereas, Captain Charles Lindbergh, the invincible, has at the peril of his life, been the first to successfully negotiate the elements in flying by airplane from New York City to Paris, France; and

Whereas, In this accomplishment Charles Lindbergh has again brought fame to the American people and placed high in the Halls of Fame of the civilized nations of the world the name of "Lindbergh" and "America" as the foremost in accomplishments of the present century; and

Whereas, The members of the Senate of Texas greatly appreciate the accomplishment of Captain Lindbergh; we join with other patriotic American citizens in paying public recognition to the brave young man; and that we deplore the announcement from Washington that the Federal Government is already proposing to collect from Captain Lindbergh a portion of his prize money as income tax; therefore be it

Resolved, That we do honor Captain Lindbergh in his wonderful accomplishment and that we hereby urge upon our United States Senators

and Congressmen, by some general or special act, when Congress meets, to retain for Captain Lindbergh the amount of money sought to be collected from him by the Federal Government as income tax.

The resolution was read and adopted.

Senate Bill No. 10.

The question recurred upon S. B. No. 10.

The committee amendment was adopted.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 10 by adding a new section to be numbered 4a, to read as follows:

"Sec. 4a. Said Board shall not have authority to prescribe the textbooks to be used, or the methods of teaching or scope of any course, or the personnel of instructors to be employed by any institution, it being the intention of this Act to reserve to the Governing Board of each institution all authority now vested in it by law, except such authority as is vested in the Board hereby created in respect to duplication."

The amendment was read and adopted.

Senator Wirtz sent up the following amendment:

Amend S. B. No. 10 by adding a new section to be numbered 9a and reading as follows:

"Sec. 9a. This law shall be of no further force or effect from and after March 1, 1933, and the Board herein provided for shall cease to exist on said date, unless this Act is extended and re-enacted by the Legislature."

The amendment was read and adopted.

Senator Price sent up the following amendment:

Amendment No. 3, S. B. No. 10.

Amend S. B. No. 10, page 2, by adding after the word "duplications" in line 25, the following sentence: "Provided that a vote of two-thirds of the members of said Board shall be required to eliminate courses of study or lines of work now established in an institution."

The amendment was read.

Senator Wirtz sent up the following substitute for the pending amendment:

Amend S. B. No. 10, page 2, line 25, by adding after the word "duplications" in said line 25, the following:

Provided that the concurrence of at least five members of said Board shall be necessary in order to eliminate any course of study or lines of work now established in any institution.

The substitute amendment was read.

The substitute was adopted by the following vote:

Yeas—15.

Berkeley.	Stuart.
Bledsoe.	Triplett.
Greer.	Ward.
Hardin.	Westbrook.
Holbrook.	Wirtz.
McFarlane.	Wood.
Parr.	Woodward.
Russek.	

Nays—9.

Bailey.	Neal.
Hall.	Pollard.
Lewis.	Price.
Love.	Smith.
Moore.	

Absent.

Bowers.	Real.
Fairchild.	Reid.
Floyd.	Witt.
Miller.	

The amendment as substituted was adopted.

Senator Bailey sent up the following amendment:

Amendment No. 4, S. B. No. 10.

Amend the bill by making the period a semicolon, and adding after line 28, page 2, the following: "and said Board shall have authority to discharge the president, superintendent, or any professor, tutor or instructor in any of the institutions of higher education affected by this Act who fails to obey or comply with any order of said Board within thirty (30) days after receiving legal notice thereof. Said notice to be given by mailing by registered letter a copy of said order to such person affected thereby at his post office address."

The amendment was read.

Senator Wood moved to table the amendment.

The motion to table was lost by the following vote:

Yeas—10.

Berkeley.	McFarlane.
Bledsoe.	Real.
Lewis.	Stuart.
Love.	Triplett.

Nays—13.

Bailey.	Parr.
Bowers.	Pollard.
Hall.	Russek.
Hardin.	Ward.
Holbrook.	Westbrook.
Miller.	Wirtz.
Neal.	

Present,—Not Voting.

Floyd.

Absent.

Fairchild.	Smith.
Greer.	Witt.
Moore.	Wood.
Price.	Woodward.
Reid.	

Senator Wirtz sent up the following substitute for the amendment:

Substitute for Amendment No. 4,
S. B. No. 10.

Amend S. B. No. 10, by substituting a semi-colon for the period after the word "duplications," line 25, p. 2, and add the following: "Said Board shall have authority to discharge the professor or instructor of any course when necessary to carry out any order of said Board, in the event such discharge is necessary to prevent duplication."

The substitute was read and adopted.

The amendment as substituted was adopted.

Senator Neal sent up the following amendment:

Amendment No. 5, S. B. No. 10.

Amend S. B. No. 10, page 2 of the printed bill, line 24, by inserting the words "now being given or to be given," between the words "work" and "where"—to read as follows: "Any courses of study or lines of work now being given or to be given"—where necessary to prevent or discontinue duplications.

The amendment was read and adopted.

Senator Stuart sent up the following amendment:

Amend S. B. No. 10 by striking out Section 1 thereof and inserting in lieu thereof the following:

Section 1. There is hereby created a State Board of Higher Education to be composed of nine members. No member shall during the time he is a member of said Board be a teacher in, a member of the Board of Regents of, or employed by, any educational institution within the State of Texas. Nor shall he be an employee of any text book publishing company. Each member shall be a representative man or woman, having attained the age of thirty years, and having reasonable educational attainments and interested in public education. No person shall be eligible to serve on said Board who resides within five miles of a town in which there is located an institution of higher education supported in whole or in part out of money supplied by the State and not more than one alumnus of any such institution shall serve on such Board.

The amendment was read.

Senator Bowers sent up the following substitute:

Amendment No. 6, S. B. No. 10.

Amend S. B. No. 10, as printed, by striking out Sections 1 and 2 thereof and insert a new Section 1 as follows, and by renumbering the sections:

Section 1. There is hereby created a State Board of Higher Education, to be composed of five members. The Presidents of the Board of Regents or Directors of the University of Texas, A. & M. College, West Texas Tech, C. I. A., and The Teachers Colleges shall constitute said Board of Higher Education.

The substitute was read and on motion of Senator Wood tabled.

The amendment by Senator Stuart was adopted.

Message From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas, May 23, 1927.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

H. B. No. 3. A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees and the maintenance of certain eleemosynary institutions for the two fiscal years beginning September 1, 1927, and September 1, 1928, and declaring an emergency."

Respectfully submitted,

M. LOUISE SNOW,
Chief Clerk, House of Representatives.

House Bill Referred.

After its caption had been read the Chair referred H. B. No. 3 to the Committee on Finance.

Message from the Governor.

The Chair recognized the Door-keeper who introduced a messenger from the Governor with the following Executive Message:

Executive Department,

Austin, Texas, May 23, 1927.

To the Honorable Senate of the State of Texas.

Gentlemen: With your advice and consent, I desire to appoint the following named persons to the offices respectively listed below:

To be Presiding Judges of Administrative Districts, provided by House Bill No. 580, passed by the Regular Session of the Fortieth Legislature:

First District—Judge Joel R. Bond of Kaufman County;

Second District—Judge W. C. Davis of Brazoria County;

Third District—Judge Geo. Calhoun of Travis County;

Fourth District—Judge J. M. Green of DeWitt County;

Fifth District—Judge W. B. Hopkins of Nueces County;

Sixth District—Judge P. R. Price of El Paso County;

Seventh District—Judge J. O. Woodward of Coleman County;

Eighth District—Judge F. O. McKinsey of Parker County;

Ninth District—Judge Reese Tatum of Dallam County.

To be the seventh member of the State Mining Board—Honorable W. H. Richardson, Jr., Austin, Travis County. (This appointment is made upon the recommendation of the recently appointed six members of this Board, as provided in Article 5892, Revised Civil Statutes, 1925, certificate of nomination of Mr.

Richardson having been filed in the Executive Office.)

Respectfully submitted,

DAN MOODY,
Governor of Texas.

The message was read and referred to the Committee on Governor's Nominations.

House Resolution Signed.

After its caption was read, the Chair signed in the presence of the Senate, H. C. R. No. 3.

Senate Bill No. 28.

The Chair laid before the Senate, by unanimous consent,

By Senator McFarlane:

S. B. No. 28. A bill to be entitled "An Act providing for the creation and organization of a road district in Knox County, Texas, to be known and designated as Road District No. 2a of Knox County, Texas; defining the boundaries of said district; providing such district may have and exercise all the authority and privileges provided by the Constitution and laws of the State of Texas, concerning roads and road districts; providing the manner of operation, and of issuing notes, bonds, incurring debts, levying tax and assessment, to pay such bonds and debts and the interest and charges thereon, and operating expenses; etc., and declaring an emergency."

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 28 put on its second reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Fairchild.	Witt.
Reid.	

The bill was read second time.

The Senate rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 28 put on its third reading and final passage, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Fairchild.	Witt.
Reid.	

The bill was read third time and passed finally, by the following vote:

Yeas—28.

Bailey.	Neal.
Berkeley.	Parr.
Bledsoe.	Pollard.
Bowers.	Price.
Floyd.	Real.
Greer.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
McFarlane.	Wirtz.
Miller.	Wood.
Moore.	Woodward.

Absent.

Fairchild.	Witt.
Reid.	

Senate Bill No. 10.

Senator Neal sent up the following amendment:

Amend S. B. No. 10, page 1, printed bill, Section 1, line 23, changing period after word "members" to comma and to read as follows: "to

be composed of nine members, selected from widely separated sections of the State."

The amendment was read and adopted.

Senator Caldwell moved that further consideration of the bill be indefinitely postponed.

Senator Wood moved to table the motion to indefinitely postpone.

The motion to table prevailed by the following vote:

Yeas—17.

Berkeley.	Russek.
Hardin.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Wirtz.
Neal.	Wood.
Parr.	Woodward.
Real.	

Nays—7.

Bailey.	Holbrook.
Bowers.	Pollard.
Floyd.	Price.
Hall.	

Absent.

Bledsoe.	Reid.
Greer.	Witt.
Moore.	

(Pair Recorded.)

Senator Westbrook (present), who would vote nay, Senator Fairchild (absent), who would vote yea.

The bill was ordered engrossed by the following vote:

Yeas—17.

Berkeley.	Real.
Floyd.	Russek.
Hardin.	Smith.
Lewis.	Stuart.
Love.	Triplett.
McFarlane.	Ward.
Miller.	Wirtz.
Neal.	Wood.
Parr.	Woodward.

Nays—6.

Bailey.	Holbrook.
Bowers.	Pollard.
Hall.	Price.

Absent.

Bledsoe.	Reid.
Greer.	Witt.
Moore.	

(Pair Recorded.)

Senator Westbrook (present), who would vote nay, Senator Fairchild (absent), who would vote yea.

The Senate refused to suspend the rule by the following vote:

Yeas—18.

Berkeley.	Real.
Floyd.	Russek.
Hardin.	Smith.
Lewis.	Stuart.
Love.	Triplett.
Miller.	Ward.
Neal.	Wirtz.
Parr.	Wood.
Pollard.	Woodward.

Nays—5.

Bailey.	Holbrook.
Bowers.	Price.
Hall.	

Absent.

Bledsoe.	Moore.
Greer.	Reid.
McFarlane.	Witt.

Pair (Recorded.)

Senator Westbrook (present), who would vote nay, Senator Fairchild (absent), who would vote yea.

Committee Reports Adopted.

On the motion of Senator Woodward the committee reports on Senate Bills Nos. 23, 24, 25, and 26, were adopted.

House Bill No. 3.

Senator Wood received unanimous consent to take up out of its order the following bill:

H. B. No. 3. A bill to be entitled "An Act making appropriations to pay the salaries of officers and employees of certain eleemosynary institutions of the State and other expenses of maintaining and conducting them for the two fiscal years beginning September 1, 1927, and ending August 31, 1929, as follows, to-wit: Abilene State Hospital, Austin State Hospital, Pasteur Institute, Confederate Home, Confederate Woman's Home, Deaf, Dumb and Blind Institute for Colored Youths, Girls' Training School, Home for Dependent and Neglected Children, State Hospital for Crippled and Deformed Children at Galveston, State Juvenile Training School, State Orphan Home, Rusk State Hospital, San Antonio State Hospital, Terrell State Hospital, State Tuberculosis Sanatorium, Wichita Falls State Hospital, State Psychopathic Hospital, Criminal Delinquent Negro Girls' Home; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 3 was put on its second reading and final passage, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Miller.	Wirtz.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bledsoe.	McFarlane.
Fairchild.	Reid.
Greer.	Witt.

The bill was read second time.

The Senate rule requiring committee reports to be lie over one day was suspended by unanimous consent.

The committee report carrying amendment was adopted.

The bill was passed to third reading.

On motion of Senator Wood, the constitutional rule requiring bills to be read on three several days was suspended and H. B. No. 3 was put on its third reading and final passage, by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Miller.	Wirtz.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bledsoe.	McFarlane.
Fairchild.	Reid.
Greer.	Witt.

The bill was read third time and passed finally by the following vote:

Yeas—25.

Bailey.	Pollard.
Berkeley.	Price.
Bowers.	Real.
Floyd.	Russek.
Hall.	Smith.
Hardin.	Stuart.
Holbrook.	Triplett.
Lewis.	Ward.
Love.	Westbrook.
Miller.	Wirtz.
Moore.	Wood.
Neal.	Woodward.
Parr.	

Absent.

Bledsoe.	McFarlane.
Fairchild.	Reid.
Greer.	Witt.

Adjournment.

The Senate at 4:50 p. m., on motion of Senator Russek, adjourned until tomorrow morning (Tuesday) at 10:00 o'clock a. m.

APPENDIX.

Petitions and Memorials.

Granger, Texas, May 23, 1927.

A. E. Wood, Senator,
Austin, Texas.

I and my friends insist upon rigid economy in making all appropriations.

T. B. SULLIVAN.

May 21, 1927.

Hon. Barry Miller, President of the Senate,
Austin, Texas.

Dear Mr. President:

It was a great honor to West Texas Chamber of Commerce in its ninth annual convention held in Wichita Falls, May 16-17, to have the greetings and good wishes from your honorable body. It is with the sincerest pleasure that we reciprocate these expressions and we desire to give you the assurance that it is a burning ambition of the organization to be of helpful co-operation to your body in the constructive and orderly development of the Lone Star State in securing good government, peace and prosperity therein.

Sincerely yours,

WEST TEXAS
CHAMBER OF COMMERCE.
R. W. Haynie, President.
Homer D. Wade, Manager.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 4 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, May 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 14 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, May 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 16 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Governor's Message.

Executive Office,

Austin, Texas, May 23, 1927.

To the Members of the Fortieth Legislature.

Gentlemen: The proclamation convening the Fortieth Legislature in extra session and the first message sent to the extra session mention three subjects for legislative consideration. These subjects were: first, general appropriations for the support of the departments and institutions of the State government through the ensuing biennium; second, the enactment of a classified civil service law providing for the selection of subordinate State employees by the merit system; and third, legislation to further facilitate the building of correlated public highways.

It was anticipated at that time that the work of the Appropriations Committee of the House and the Finance Committee of the Senate during the interim between the Regular Session and the Extra Session of the Fortieth Legislature would greatly facilitate the passage of the

appropriation bill and make it possible to dispose of that matter promptly after the convening of the Extra Session.

The Legislature has been in Extra Session for a period of two weeks, but the appropriation bill has not yet reached the Conference Committee. The time of the session is rapidly passing and as speedy consideration of the bill as is possible and consistent with public good is important. The session cannot last longer than thirty days and all parties concerned would like, if possible, to avoid the necessity of more than a thirty day session.

There are other matters which merit legislative attention and which the people of Texas expect to be considered. It is to be hoped that all of the time of this session will not be dissipated in the consideration of the appropriation bill, but that you will dispose of that promptly and find time to consider other matters which are worthy of your attention.

Some suggestions have been made that the subject of appropriation as submitted to you was in limited form, in that it covered only the subject of general appropriations for the support and maintenance of departments and institutions of the State government for the ensuing biennium, and did not cover emergency appropriations which demand immediate attention. Therefore, that limitation is removed and the subject enlarged to include emergency appropriations which are not included in the support and maintenance of departments and institutions for the ensuing biennium.

A great many of your members have asked that I submit special subjects for legislative consideration. I have felt that the best way to conserve time and encourage prompt action was by limiting the questions submitted until some progress had been made on the subjects first submitted. I have determined to submit additional subjects, but hold in reserve other questions which I have been requested to submit until further progress has been made. Before entering the discussion of additional questions, I desire to say something with reference to those now before you.

I recognize the handicaps under which you labor in the endeavor to meet all of the requests made of you

for the appropriation of public revenue. It is futile to attempt to meet all the requests because the money is not available. To wisely select between the essentials and nonessentials, and provide for the essentials is within your ability and power. The wisdom of the bill and the success of your efforts will be very largely judged by how well and how wisely you have separated the essentials from the nonessentials. I know that you have concern for the people of this State who pay the taxes that support the government, and I know that you realize that to many taxation is a burden. It is to be remembered by the Legislature and the Governor, that while on the one hand there stands the departments and institutions clamoring and asking for more money and larger appropriations, that on the other hand there stand the multiplied thousands of the taxpaying public of this State who have the right to expect, and do expect, that they will not be taxed beyond that which is necessary to meet the needs of the government and adequately finance its departments and institutions; and who have a right to feel, and do feel, that on all public officers and all public employees rest the duty of fidelity and the obligation to exercise great care in preserving the substance of the people.

"It is the duty of every branch of the government to enforce and practice the most rigid economy in conducting our public affairs, and no more revenue ought to be raised than is required to defray the necessary expenses of the government" is a principle of all respectable political parties, and is a good ideal for all public officers to get well into their systems.

The field of economy lies between the extremes of profligacy and waste on the one hand, and parsimony and niggardliness on the other. The appropriation measure should not fall in either extreme, but it should be characterized by sound practical economy, which is a virtue to be sought after in appropriation matters by all legislative assemblies. Considering the number of demands that are made upon you, and the seriousness with which they are urged, it is likely that there is far less danger of parsimony than there is of the other extreme.

Classified Service.

In the original message, I urged the adoption of a classified civil service law providing for the selection of subordinate employees in the civil service of the State upon a merit basis. It has been vaguely intimated that the suggestion does not find accord with Democratic ideas and Democratic principles. The idea that it is not in thorough accord with Democratic ideals and Democratic principles cannot be sustained.

The Democratic party has never been the party of the spoilsman or a party of spoilsmen.

The principles of that party governing the selection of public officials are those announced by Mr. Jefferson when he declared capacity and honesty to be essential to fitness for public office. It was the sense of his statement that "these elements in the public offices were essential to an honest civil service, and that an honest civil service was necessary to the purity and efficiency of administration."

There is no better place to learn the principles of a party than from an examination of the platforms upon which it has gone before the people for the election of its candidates.

Prior to the general election of 1882 the people had demanded purity of administration, the party in control had reveled in profligacy. In the elections of that year the Democrats won a sweeping victory in the congressional elections, chiefly on issues of tariff and civil service reform. It was following that election that the civil service system as employed in the Federal government was reformed from mere competitive examinations to the classified civil service system as we understand it today.

But the question did not find its origin as a party principle as late as 1882. A brief reference to some of the platforms of the party, both State and National, will completely dissipate the intimation advanced.

In the platform of 1872 the Democratic party declared that it regarded a thorough reform of the civil service as one of the most pressing necessities of the hour and insisted that honesty, capacity, and fidelity constitute the only valid claim to public employment, that the offices of the government cease to be a matter of arbitrary favoritism and patronage,

and that public station become again a post of honor.

In 1876, the Democratic platform declared that "experience proves that efficient, economical conduct of the governmental business is not possible if its civil service be subjected to change at every election, be a prize fought for at the ballot-box, be a brief reward of party zeal, instead of posts of honor assigned for proved competency, and held for fidelity in the public employ; that the dispensing of patronage should neither be a tax upon the time of all our public men nor the instrument of their ambition."

In 1880, the Democratic party declared that "we execrate the course of this administration in making places in the civil service a reward for political crime, and demand a reform by statute which shall make it forever impossible for the defeated candidate to bribe his way to the seat of the usurper by billeting villains upon the people."

The Democratic platform in 1884, being the one upon which Grover Cleveland was elected President of the United States, declared "we favor honest civil service reform and a compensation of all United States officers by fixed salaries; the separation of church and state, and the diffusion of free education by common schools, so that every child in the land may be taught the rights and duties of citizenship." This was a part of the platform upon which Grover Cleveland was elected President of the United States and it remained for him to put in effect the classified service law adopted following the Democratic victory of 1882.

The Democratic platform of 1888, contained a plank on civil service reform which read as follows: "Honest reform in the civil service has been inaugurated and maintained by President Cleveland, and he has brought the public service to the highest standard of efficiency, not only by rule and precept, but by the example of his own untiring and unselfish administration of public affairs."

The Democratic platform of 1892, upon which Cleveland was again elected President of the United States, carried the following plank, "public office is a public trust. We reaffirm the declaration of the Democratic National Convention of 1876 for the reform of the civil service, and we

call for the honest enforcement of all laws regulating the same. The nomination of a President, as in the recent Republican convention, by delegations composed largely of his appointees, holding office at his pleasure, is a scandalous satire upon free popular institutions, and a startling illustration of the methods by which a President may gratify his ambition. We denounce a policy under which Federal office-holders usurp control of party conventions in the states, and we pledge the Democratic party to the reform of these and all other abuses which threaten individual liberty and local self-government.

The Democratic platform of 1904 declared that the party stood committed to the principles of civil service reforms and demanded their honest, just and impartial enforcement. It denounced the opposing party for its continuous and sinister encroachments upon the operation of civil service rules and its arbitrary dispensing with examinations for office in the interests of favorites and employing all manner of devices to overreach and set aside the principle upon which the civil service was established.

The last man elected President of the United States on the Democratic ticket was himself at one time vice-president of the Civil Service Reform League, but resigned after he became President and after he had written "that his interest and sympathy with the work had not been and could not be abated."

The Democratic platform upon which he was elected declared "the law pertaining to civil service should be honestly and rigidly enforced to the end that merit and ability should be the standard of appointment and promotion rather than service to a political party."

The platform of the Democratic party in Texas has not been silent upon this question.

"The Democratic platform of 1892 demanded that the 'offices of the government cease to be a matter of arbitration, favoritism, and patronage, and again be a post of honor.'"

The Democratic platform of 1882 and 1902 contained planks more definitely in favor of the merit system, and that of 1912 specifically favored the merit system, recommending "that the Legislature enact such a law."

The Thirty-third, Thirty-fourth and Thirty-sixth Legislatures were each urged by Executive messages to pass a law instituting the merit system to apply in the various departments of State government.

It is to be remembered that the man who asked the question "what are we here for but the offices" was not a member of the Democratic party and his question was not asked in a convention of the Democratic party.

The State Democratic platform of 1912 provided "the merit system would enable the State to have its work done with fewer clerks and consequently with less expense. There would be no partisan service expected of those holding clerical positions under civil service regulations; neither the head of a department or institution keep an incompetent person through political influence. The public service would be greatly benefited by such a law."

Civil service reform today is supported upon its actual business value to the public, "rather than upon any theoretical arguments of its value in destroying the spoils system," though it can be sustained as worth while in that it means the destruction of the spoils system and the doctrine that public office is public plunder.

Other states of the American Union have adopted the system and it has improved the efficiency in the administration of public affairs. Any existing difference toward the adoption of the system in Texas will disappear "when the people of the State become aware of the conditions in Texas as compared with those in states where merit system has been given a fair trial." New York adopted the system as far back as 1883, and during the last twenty years, eight states have followed the example of New York in this particular.

Many compelling reasons can be advanced why the system should be adopted in Texas, especially since the number of public employees has grown so large. A large body of public employees owing their position, and their tenure of office, to the pleasure of the appointive power makes possible a political machine, and a political machine is a menace to free institutions. The govern-

ment should be ruled by the free and independent expression of the electorate, and it should not be influenced by an army of public employees, and neither should the lure of spoils of office be present to cause men to settle their position on questions of government upon selfish considerations. Is there anything more disgusting or beneath the dignity of position than a public officer in a free government taking the position that because he has secured some person a position as a filing clerk or a stenographer that such person owes the officer his vote? A vote is the privilege and duty of citizenship, and citizenship is not to be bartered away for a job or a position. The subordinate positions are not won and lost at the polls. The policy determining officers should be responsive to the will of the people, and these should change with changing administrations. The civil service belongs to the people, and is intended for their benefit. It should not be embarrassed by politics nor made the plunder of the spoilsman.

From time to time the Legislature has been importuned, and unfortunately with success, to establish new offices and create new jobs for no conceivable usefulness except that they furnished an opportunity to someone to reward a political friend out of the public Treasury. The demand for new offices and new positions has been so great, and the activities of the Government have been extended so far, that the State is now supporting a veritable army of employees.

The legitimate increase in the activities of the Government would normally create a demand for additional employees, but the system of appointment used in this State is one which encourages an extension of the activities of Government beyond its legitimate fields in order that there may be occasion for the creation of new positions. This demand for additional employees and added activities of Government contributes in no small degree to the modern tendency toward the centralization of governmental power in Austin. Many activities of Government are carried on from Austin by subordinate employees of the various departments,

which in times gone by would have been regarded as entirely out of keeping with the spirit of Government existing in his country. Not all of the departure from the idea of local self government, and not all of the tendency toward centralization, is to be charged to the spoils system, but it has contributed substantially in building up these tendencies. Inefficiency and expense have always been urged as reasons against centralization of power. It is easy to see in this State the proof of the assertion that centralization means extravagance and resulting inefficiency. The most casual observer about the State departments must be impressed with the idea that the sort of efficiency shown by many public employees would not be tolerated in any private enterprise. The introduction of the merit system into the selection of public employees would promote better efficiency and it would reduce the number of public offices necessary to meet the legitimate duties of government. When the merit system has been adopted in Texas the demands for new positions will be reduced in the proportion which our present system encourages public officers to ask for the creation of new positions.

Specific instances might be pointed out wherein the existing system in Texas is not subservient to the public good.

The elective public officer is forced to devote a lion's share of his time to listening to the petitions of people for appointment or people to secure an appointment for some other person. And unfortunately friends are not always faithful and considerate in the recommendations which they make, for frequently the same man will recommend not one, but several people for the same position, and all of them equally incompetent. A great many efficient and capable men and women make application for public employment, but a great many of those who apply have found themselves unsuccessful in the private venture of life, and seek the snug security which they feel comes from a public office, insuring a fixed income. A great many seem to believe that public offices are suitable to contribute to charity, and the "down

and out" who are in need of making a living are frequently the ones who are urged with greatest force upon the appointive power, without any regard for the ability or efficiency of the person whose appointment is sought.

The time has been in Texas when heads of departments levied assessments against their political employees to help defray campaign expenses. Such a practice is immoral and contrary to the best interests of good government. It rests upon the same moral plane as the purchase and sale of the powers of appointment.

Some people may regard patronage as a political asset, but it is doubtful if it can be justly considered as anything other than a liability in public office. For every position there are many applicants, and necessarily disappointments must be met. When a man is recommended by one officer for appointment in another department of the government, and he does not receive the appointment, he feels that the officer who recommends him did not use all of the pressure which he could have used, otherwise the appointment would have been received. The result is that he is offended. If a public officer is importuned to recommend several people for the same office and he recommends only one, those not recommended are offended. If he recommends several he feels disgusted with himself, and he leaves the officer to whom he makes the recommendation in the position of believing that his recommendations are made more or less without regard for the efficiency of the persons recommended.

Fidelity and party loyalty are not, and should never be considered as qualifications to public office, but it is a pernicious and wicked doctrine which makes those two questions the sole test of qualification for public service. I believe as strong as any man in loyalty to friends, and I believe that as a general rule one may find capable and honest men among the ranks of his friends. But I hold in utter contempt the doctrine that public offices should be treated as public spoils to be used in the payment of personal obligations incurred as the result of political campaigns. To give an office as a reward without

regard for efficiency or integrity is the grossest breach and default of a public trust.

Texas has seen many times the result of the spoils system. You have seen it for two years in the management of State affairs. Its evil consequences to the body of the people has been demonstrated time and time again in the administration of our prison affairs. The mismanagement of the penitentiary farms in Texas, the keeping of their books in such manner that expert accountants could not even ascertain the amount of the debt or the reason therefor upon one occasion; the loss of \$200,000.00 in the attempted operation of the iron foundry are credited by eminent authorities of this State to the lack of trained service and continuity of policy, or to put it in a briefer but harsher form—to the spoils system.

Highway.

The present highway laws of this State are found in the Revised Statutes of 1925, and the Acts of the Thirty-ninth Legislature. The bill passed by the Thirty-ninth Legislature seems to have been prepared without any careful thought being given to the work done by the codifiers. It is highly desirable that Texas be given a law that will better facilitate the construction of improved highways in this State. With 20,000 miles of designated highways involving tremendous cost maintenance, it is highly desirable that the roads be classified according to some standard of use in order that their improvement may be carried on in a manner best calculated to serve the public interests of this State. Better laws are needed with reference to the use and disposition of State, Federal and county funds and some adequate provision should be made to insure the assistance of the counties in the furtherance of a program to build a related system of public highways. There is no scientific thought in placing the power of purchase of equipment and materials used in highway work in the Board of Control when the Highway Department has a large number of technical employees who should be better fitted to pass upon these matters than the non-experts employed by the Board. Provision should be made to give the county which furnishes funds in the build-

ing of the highways a voice. This can be done without infringing upon the Federal rule governing the allotment of Federal Aid, and it is but fair and just that the people whose money is spent should have some voice in the letting of the contract under which their money is to be used.

The Highway Department spends millions of dollars and employs scores of people. It is one of the most important departments of the State government. When the authority of the Department is in the hands of honest and competent men people will not have cause to fear or reason to doubt, but should its affairs at some subsequent date come into the hands of incompetent men under existing laws the people would not have the proper protection. The history of 1925 might be repeated. If the expression of the people of Texas in the recent election can be taken for anything, it must be taken as a solemn mandate that every precaution possible be thrown around this Department to protect them from extravagance, waste, and incompetency. And the people of Texas have a right to expect that as a result of the experiences in the past that constructive legislation will be offered to protect them at all times in the future.

Prison System.

At the Regular Session of the Fortieth Legislature a bill was passed providing for a change in the management of the State Prison System. The people of Texas recently adopted an amendment to the Constitution which provided for the change in the system of management which had been employed in the past. It is reasonable to assume that the acquaintance which the people of Texas had with the losses suffered by the prison system, and the amount of their tax money that had been taken to meet its obligations, to some extent, influenced their action on the amendment. It is also a reasonable assumption that in adopting this amendment the people had in mind that provision would be made for the better management of the prison properties of this State.

The appropriations made at the last session of the Legislature to provide the necessary finances for the prison system are a strong argument

for a change in the system of management.

The Legislature appropriated \$875,-881.29 to pay debts of the prison system maturing prior to the first day of September, 1927. Another appropriation was made of \$733,268.74, together with all of the money then on hand by the prison system, to support and maintain the penitentiary until September 1, 1927. A third appropriation was for \$38,918.28 to pay accrued taxes against certain prison farms owned by the State of Texas. In addition to these items there was a debt of \$750,000.00, with interest in the sum of \$37,500.00, which matured on February 1, and was evidenced by certain obligations which were held by a New York concern. The total of these items is \$2,635,368.31. In other words, the general revenues of this State were made to bear an obligation of \$2,-635,568.31 to pay debts incurred in the operation of the prison system, and to support that system until the end of this fiscal year. To the average mind these figures constitute conclusive evidence of the inefficiency of the system of management of the penitentiary properties employed in the past.

House Bill 59, page 298, General Laws of the Regular Session of the Fortieth Legislature, changes the system of management of the prison properties to the extent that the Board of Prison Commissioners is abolished and the management of the properties placed in the hands of a manager, to be selected by the Texas Prison Board. The powers of the Texas Prison Board are few, and its duty is limited. There is nothing in the statute which gives the Board an opportunity to bring to the benefit of the State the result of any study which it may make of our prison properties. No opportunity is afforded for the introduction of constructive ideas in the economic problems presented by our prison system. The Board can select a manager, and it can exercise some influence over his policies, but they are given a property which has proven costly in the past, and asked to manage it upon a self-supporting basis, without being given any character of power to place its properties in such condition as to reach the ultimate object to be attained, and that is a self-supporting penitentiary system.

The Prison Board should, by all means, be given plenary authority in the management of our prison properties. The Board of nine members, after having had time to study the system, and locate the causes of loss in the past and determine wherein it has been inefficiently operated, should be able to formulate a constructive program looking to the betterment of this portion of the State's business. To my mind it is infinitely better to entrust to this Board full power in the management and handling of these properties than to give them only the limited power conferred by the bill passed at the last session of the Legislature. A Board of outstanding ability can be trusted to study the problems, and can be expected to find a solution. A measure giving them this power and authority would be a progressive step, and ought to mean ultimately a saving to the people of Texas.

Personally I am not advocating a relocation of the penitentiary, and neither do I undertake to say in what manner it would be re-organized but I do advocate the Board of Directors of the Prison System the authority to dispose of these questions after they have had an opportunity to study them and determine upon a program.

In all of the major affairs of business when perplexing problems arise those are consulted whose judgment is founded on scientific thought given to such problems and their solution; and generally their advice is followed. If this is a good rule in major business methods, and it seems to have been adopted almost universally, no good reason can be urged against its application to business problems arising from the management of State owned properties.

It is our duty to the State to bring to the solution of its prison question the best thought and the best study available. The State should not be denied the benefits to be derived from a scientific study of its prison problems, and the application of modern thought to the solution of these questions. Nine members of a prison board clothed with plenary power ought to be able to work out of the chaos into which prison matters have fallen a practical solution which would mean a self-supporting prison system, and a saving of the millions of dollars of tax money that have been drained from the Treasury into

an enterprise that would have long since been forced to wash its garments in a bankrupt court had it been owned and operated by private persons.

The offer of responsibility encourages capable people to accept public positions. The fact that the position carries power and responsibility encourages careful and scientific study of the work. The giving of plenary power to the board should make possible a board of outstanding ability, and Texas can well afford to trust this matter and its solution into the hands of nine of its best and most capable citizens.

Judicial Amendment.

The following subjects pertaining to judicial matters are submitted:

1. The enactment of a statute authorizing the Supreme Court in conjunction with a committee of trial judges and lawyers to prepare rules of procedure governing the trial of civil cases.

2. The enactment of a law changing our present system of fixed terms of court so that the several district courts of this State may be open for business in each county of the several districts at all times, making appropriate provisions for grand juries, the return of process and the filing of motions and records for appeal; any local measures effecting present terms of court.

3. Legislation to provide that in all criminal cases the accused or his counsel shall in thirty days after the judgment of conviction or the order overruling motion for new trial present to the trial judge for his approval and file with the clerk of the trial court an original and copy of the defendant's statement of the matters and things complained of as error and upon which the appeal is based, to be approved by the trial court and transmitted to the court of criminal appeals, to the end that the disposition of cases on appeal may be facilitated and justice more speedily administered.

4. The enactment of a law making severance in the trial of criminal cases a matter resting in the discretion of the court.

5. The enactment of a law to give greater protection to the State in the acceptance of appearance bonds.

6. The amendment of Articles 61, 62, 63 and 64 of the Penal Code of 1925, to make a more workable statute and one which in principle will conform more nearly with the laws of this character which have proved beneficial in the suppression of crime in other jurisdictions.

Respectfully submitted,

DAN MOODY.

Governor of Texas.

Committee Reports.

Committee Room,

Austin, Texas, May 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 23, A bill to be entitled "An Act relating to the jurisdiction of the county court of Menard County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court, conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed either in bill form or in the Journal.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 24, A bill to be entitled "An Act relating to the jurisdiction of the county court of Sterling County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court, conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass,

and that it be not printed either in bill form or in the Journal.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 25, A bill to be entitled "An Act relating to the jurisdiction of the county court of Irion County, conferring upon said court civil and criminal jurisdiction and increasing the criminal and civil jurisdiction of said court, conforming the jurisdiction of the district court of said county to such change; fixing the time of holding court and to repeal all laws in conflict with this Act."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed either in bill form or in the Journal.

WOODWARD, Chairman.

Committee Room,

Austin, Texas, May 23, 1927.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 26, A bill to be entitled "An Act to change and prescribe the time for holding district court of the Fifty-first Judicial District of the State; and to conform all writs and process from such court to such changes and to make all writs and process issued or served before this Act takes effect, including recognizances and bonds, returnable to the terms of court in the several counties in said district, as herein fixed, and to validate the summoning of grand juries and petit juries; and providing for the continuation of court in session in said district when this Act take effect, to the end of its term; and repealing all laws and parts of laws in conflict herewith."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass, and that it be not printed either in bill form or in the Journal.

WOODWARD, Chairman.

Committee Room,
Austin, Texas, May 23, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
State Highways and Motor Traffic,
to whom was referred

S. B. No. 28, A bill to be entitled
"An Act providing for the creation
and organization of a road district
in Knox County, Texas, to be known
and designated as Road District No.
Two-A (2-A) of Knox County, Texas;
defining the boundaries of said dis-
trict; providing such district may
have and exercise all the authority
and privileges provided by the Con-
stitution and laws of the State of
Texas, concerning roads and road
districts; providing the manner of
operation, and of issuing notes,
bonds; incurring debts, levying tax
and assessment to pay such bonds
and debts and the interest and
charges thereon, and operating ex-
penses; providing such district may
acquire by condemnation or other-
wise lands and other property and
rights incident to the creation and
improvement of public roads and
highways; and for the purpose of
constructing, maintaining and opera-
tion of macadamized, graveled or
paved roads and highways, or in aid
thereof; providing for the manner of
incurring debts, and the levying and
assessing of taxes on all property
subject to taxation in such district
to pay such debts and operating ex-
penses; providing that such district
shall embrace the towns, cities, and
villages in such district; providing
further that this Act shall not in any
manner affect or repeal any laws pro-
viding other methods for the crea-
tion and organization of road im-
provement districts, but that this Act
shall apply to and affect only the
district herein organized and created
hereby, and providing all that shall
be necessary in reference to said
road district whether mentioned in
detail in this caption or not; and
declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port same back to the Senate with
the recommendation that it do pass,
and be not printed.

BAILEY, Vice-Chairman.

Committee Room,
Austin, Texas, May 23, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on
Finance, to whom was referred

H. B. No. 3, A bill to be entitled
"An Act making appropriations to
pay the salaries of officers and em-
ployees of certain eleemosynary in-
stitutions of the State and other ex-
penses of maintaining and conduct-
ing them for the two fiscal years be-
ginning September 1, 1927, and end-
ing August 31, 1929, as follows, to-
wit: Abilene State Hospital, Austin
State School, Austin State Hospital,
Pasteur Institute, Confederate Home,
Confederate Woman's Home, Deaf,
Dumb and Blind Institute for Col-
ored Youths, Girls' Training School,
Home for Dependent and Neglected
Children, State Hospital for Crippled
and Deformed Children at Galveston,
State Juvenile Training School, State
Orphan Home, Rusk State Hospital,
San Antonio State Hospital, Terrell
State Hospital, State Tuberculosis
Sanatorium, Wichita Falls State Hos-
pital, State Psychopathic Hospital,
and Criminal Delinquent Negro Girls
Home; and declaring an emergency."

Have had the same under consid-
eration, and I am instructed to re-
port it back to the Senate with the
recommendation that it do not pass,
but the following committee substi-
tute be passed in lieu thereof and be
not printed.

WOOD, Chairman.

Committee Amendment.

Amend H. B. No. 3 by striking out
all below the enacting clause and in-
serting in lieu thereof the following:
Being Senate Bill No. 3.

Committee Room,
Austin, Texas, May 23, 1927.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on State
Highways and Motor Traffic, to
whom was referred

S. B. No. 19, A bill to be entitled
"An Act to amend Chapter 77 of the
Local and Special Laws enacted by
the Thirty-third Legislature at its
Regular Session, convened on Jan-
uary 14, 1913, and adjourned on
April 1, 1913, and approved March
24, 1913, the same being a Special
Road Law for Bexar County, Texas,
by adding thereto Section 31 author-
izing the commissioners' court of
Bexar County to issue bonds of said
county for the purpose of fund-

ing or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

FLOYD, Chairman.

A BILL

To Be Entitled

An Act to amend Chapter 77 of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session, convened on January 14, 1913, and adjourned on April 1, 1913, and approved March 24, 1913, the same being a Special Road Law for Bexar County, Texas, by adding thereto Section 31a authorizing the commissioners' court of Bexar County to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Chapter 77, of the Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session, convened on January 14, 1913, and adjourned on April 1, 1913, and approved March 24, 1913, the same being a Special Road Law for Bexar County, Texas, be and the same is hereby amended by adding thereto Section 31a, which shall read as follows:

Section 31a. The commissioners' court of Bexar County is authorized and empowered to fund any and all indebtedness lawfully incurred for road and bridge purposes prior to January 1, 1928, whether the same be current, funding or simple contract debts, and whether issued in the form of warrants or otherwise into bonds of Bexar County, redeemable and payable in not more than forty (40) years from date; and the same may mature serially or otherwise as may be determined by the commissioners' court and may bear interest at the rate of not exceeding 4% per annum, interest payable annually or semi-annually as may be determined by said court. All such fund-

ing or refunding bonds shall be in such denomination as may seem expedient and the court shall provide for the levy of an annual tax upon all property within the county to provide for interest and sinking fund; provided that the aggregate amount of said bonds herein authorized shall not exceed the limitations provided by the Constitution of Texas; and provided further that it shall not be necessary to submit the issuance of said funding or refunding bonds to a vote of the property taxpayers of said county.

Sec. 2. The fact that Bexar County has a large amount of valid road and bridge warrants outstanding which can probably be refunded by the issuance of bonds at a lower rate of interest with a more convenient schedule of maturity, constitutes an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and such rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

TENTH DAY.

Senate Chamber,
Austin, Texas,
May 24, 1927.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Bailey.	Parr.
Berkeley.	Pollard.
Bledsoe.	Price.
Bowers.	Real.
Fairchild.	Reid.
Floyd.	Russek.
Greer.	Smith.
Hall.	Stuart.
Hardin.	Triplett.
Holbrook.	Ward.
Lewis.	Westbrook.
Love.	Wirtz.
Miller.	Witt.
Moore.	Wood.
Neal.	

Absent.

McFarlane.	Woodward.
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